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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA, ) CR 17-00533 EMC  
18 Plaintiff, )  
19 v. ) **[PROPOSED] ORDER EXCLUDING TIME  
20 JONATHAN JOSEPH NELSON, ET AL, ) FROM OCTOBER 23, 2018 TO FEBRUARY 13,  
21 Defendants. ) 2019**  
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29 On October 23, 2018, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell  
30 Allen Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Russell Taylor Ott, Damien David Cesena,  
31 Brian Allen Burke, David Salvatore Diaz, III, and Merle Frederick Hefferman and plaintiff United  
32 States of America appeared before the Court for a status. The parties reported on the status of discovery  
33 of electronic device materials, discovery related to search warrants executed in the case, and evidence  
34 viewing.

35 On December 19, 2018, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell  
36 Allen Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Russell Taylor Ott, Brian Allen Burke,  
37 David Salvatore Diaz, III, and Merle Frederick Hefferman and plaintiff United States of America  
38 appeared before the Court for a status. Defendant Christopher Ranieri's presence was waived, but his  
39 **[PROPOSED] ORDER EXCLUDING TIME**

1 counsel appeared. Defendant Damien Cesena's presence was also waived, but his counsel appeared.  
2 The parties reported on the status of written and electronic discovery, the discovery related to the search  
3 warrants executed in connection with the case, and the execution of a protective order to produce search  
4 warrant related documents in less redacted form. The Court set a further status for February 13, 2019 at  
5 2:30 p.m., and directed the parties to appear before Magistrate Judge Beeler to set further discovery  
6 dates and parameters for discovery. The Court also set deadlines for defendant Ranieri's motion for a  
7 bill of particulars.

8       Based on the representations of counsel and for good cause shown, the Court finds that time is  
9 excludable between October 23, 2018 and February 13, 2019, pursuant to 18 U.S.C. § 3161(h)(7)(A)  
10 and (h)(7)(B)(iv), on the basis that the ends of justice served by the continuance outweigh the best  
11 interests of the public and defendants in a speedy trial, and because failure to grant a continuance would  
12 deny defendants' counsel the reasonable time necessary for effective preparation, taking into account the  
13 exercise of due diligence. The Court also finds that the case is complex based on the number of  
14 defendants and the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii).

15       Therefore, **IT IS HEREBY ORDERED** that the matter is set before this Court on February 13,  
16 2019 at 2:30 p.m. for a further status, and that the time between October 23, 2018 and February 13, 2019  
17 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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19 DATED: January 29, 2019



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HON. EDWARD M. CHEN  
United States District Judge